

## Remarks

The description and drawings have been amended to provide further clarification, and to eliminate a duplicate use of the numeral "54" to identify two different items.

Reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

The present invention provides a package of articles which comprises a bottom panel, and a top panel which is operatively positioned and joined with the bottom panel to provide a closed package. The top panel is appointed to face toward a user, and a plurality of personal care articles are contained in the package. The package includes an opening mechanism which provides access to the articles. Each article includes a liquid-permeable topsheet layer, and a backsheet layer. A data layer is operatively joined to the article, and is intended to be repositioned prior to using the article to enable a full functionality of the article. In a particular aspect, data indicia can be located on the data layer and configured to communicate a message to the user. The message can be related to at least one of motivating the user, entertaining the user, educating the user, and inspiring the user. In another aspect, each article can be positioned in the package with the data layer arranged to face toward the user when the article is presented to the user from the opening mechanism. In further features, the data layer can be operatively joined to the backsheet layer, and the backsheet layer can be operatively liquid-impermeable.

By incorporating its various aspects and features, the packaging system of the present invention can provide an improved and more effective system for communicating messages that are intended to motivate, entertain, educate and/or inspire the consumer. The desired messages can be more conveniently and more efficiently presented to the user. Additionally, the packaging system of the invention can provide a more sanitary arrangement when the package is opened and the individual articles are presented to the user from the package. Such arrangements can help limit the exposure of the bodyside or topsheet-side of the article to the open environment. As a result any potential of contamination of the article bodyside can be reduced.

Claims 1-7 have been alleged to be unpatentable under 35 U.S.C. § 103(a) over U.S. Patent Application Publication 2003/0088224 by Ceman et al. (Ceman) in view of U.S. Patent 6,564,945 to Weinstein et al. (Weinstein). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

It is submitted that pursuant to 35 U.S.C. § 103(c) Ceman is **not** a reference that is properly citable against the present patent application. In pertinent part, 35 U.S.C. § 103(c) provides:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not precluded patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In the present application, it is believed that subsections (a), (c) and (d) of 35 U.S.C. § 102 are not applicable to the presently claimed invention, and the Examiner has offered no evidence to the contrary. Since Ceman was published May 08, 2003, less than one year prior to the filing date of the present application, Ceman is also not applicable to the presently claimed invention under subsection (b) of 35 U.S.C. § 102.

At the time the presently claimed invention was made, the subject matter of the Ceman publication owned by or subject to an obligation assignment to Kimberly-Clark Worldwide, Inc. This is evidenced by the enclosed copy of the Assignment of the subject matter of the Ceman publication (U.S. Patent Application Serial No. 10/003,077) to Kimberly-Clark Worldwide, Inc., the recordation of which can be found at Reel: 013676, Frame: 0473.

The subject matter of the presently claimed invention (U.S. Application Serial No. 10/635,177) was also under an obligation to assign and has been assigned to Kimberly-Clark Worldwide, Inc. The recordation of this Assignment can be found at Reel: 014379, Frame: 0786.

In view of the above, it is believed that the subject matter of the Ceman publication (U.S. Patent Application Serial No. 10/003,077) and the presently claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation assignment to the same person. Accordingly, 35 U.S.C. § 103(c) is applicable to the Ceman publication. As a result, the Ceman publication is not an available reference under subsections (e), (f), or (g) of 35 U.S.C. § 102, and is not properly citable to support a rejection under 35 U.S.C. § 103(a).

It is, therefore, readily apparent that the Examiner has **not** presented a *prima facie* case of obvious under 35 U.S.C. § 103. Accordingly, reconsideration and withdrawal of the rejection of claims 1-7 are respectfully requested.

Claims 8-22 have been alleged to unpatentable under 35 U.S.C. § 103 over the references applied to the claims above, and further in view of U.S. Patent 6,454,095 to Brisebois et al. (Brisebois) or U.S. Patent 4,512,476 to Herrington, Jr. (Herrington). This rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

For the reasons set forth above with regard to claims 1-7, it is submitted that pursuant to 35 U.S.C. § 103(c) the Ceman publication is not an available reference, and is not properly citable against the presently claimed invention. It is, therefore, readily apparent that the Examiner has not presented a *prima facie* case of obvious under 35 U.S.C. § 103. Accordingly, reconsideration and withdrawal of the rejection of claims 8-22 are respectfully requested.

The prior art of record and not relied upon has been considered pertinent to Applicants' disclosure. It is readily apparent that such art does not disclose or suggest the invention called for by Applicants' currently presented claims.

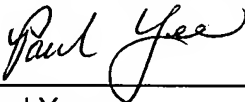
For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in form for allowance. Accordingly, reconsideration and withdrawal of the rejections, and allowance of the currently presented claims are earnestly solicited.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-2435.

Respectfully submitted,

PATRICIA ANN SAMOLINSKI, ET AL.

By: 

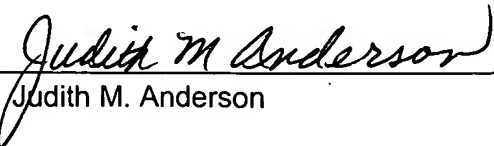
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#### CERTIFICATE OF MAILING

I, Judith M. Anderson, hereby certify that on February 3, 2005 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Judith M. Anderson

**Amendments to the Drawings:**

Applicants request approval of the amendments to the drawings. The sheets of replacement drawings attached to the end of this paper include(s) changes to Figures 7 and 7A. The changes include a deletion of the reference number "54" and a substitution of the reference number --67--. The changes eliminate a duplicate use of the number "54" which has been employed to identify a package opening flap (e.g. see original FIG. 2B and paragraph [59]).

These sheets include FIG. 7 and FIG. 7A and replace the original sheets that included FIG. 7 and FIG. 7A.